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10/657,588	09/08/2003	Andrea C. Hughs-Baird	0112300-1410	9903
29159	7590	12/19/2007	EXAMINER	
BELL, BOYD & LLOYD LLP			PANDYA, SUNIT	
P.O. Box 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690			3714	
			NOTIFICATION DATE	DELIVERY MODE
			12/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

## Office Action Summary

Application No.

10/657,588

Applicant(s)

HUGHS-BAIRD ET AL.

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13,18-26,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,18-26,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/24/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the amendment filed 9/25/2007, wherein claims 1, 11-13, 22, 24 and 26 have been amended.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 13, 24 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "same or related" in said claims is a relative term which renders the claim indefinite, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Wherein related characteristics could just be a relationship between two characters, where the two characters can be different symbols displayed on the screen of the same game, thus the creating a related characteristics.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 18-26, 31 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US Patent Publication 2004/0014517) in view of Webb (U.S. Patent No. 6,336,860).

Inoue teaches a gaming device as recited in claims 1, 13 and 24. The gaming device taught by Inoue comprises:

- a game operable upon a wager (figure 1, #20);

- a display device, which is adapted to display plurality of concentric wheels (Figure 1, #15 along with the related description discloses of the display device and figure 5);

- a plurality of award values adapted to be displayed by the display device (wherein the plurality of reels have different numbers are displayed, wherein the each number has different values associated with it, Figure 1, Figure 5);

- a plurality of modifier values adapted to be displayed by the display device (modifier values are displayed on different disk with different numbers, wherein each number has different values associated with it, Figure 1, Figure 5); and

- an award adapted to be provided to the player, wherein the award is based on at least one generated award value modified by at least one generated modifier value (0032-0034, 0041, 0052).

Inoue does not teach a gaming device that comprises a plurality of characteristics including at least two of the same or related characteristics, wherein (a) at least one of the characteristics is associated with at least one of the award values

and is adapted to be displayed by the display device in association with the award value; (b) at least one of the characteristics is associated with at least one of the modifier values and is adapted to be displayed by the display device in association with the modifier value; and (c) an additional award is adapted to be provided to the player if the generated award value and the generated modifier value include the same or related characteristics. In a related gaming device, Webb teaches game symbols having a first defining criteria (in the form of value, number, rank or another visual representation) and a second defining criteria (in the form of color or shape). See col. 7, line 65 to col. 8, line 2. Webb further teaches that the second defining criteria of the game symbols can be used to provide a player with an additional award when the second defining criteria of two or more game symbols is the same irrespective of the first defining criteria. See col. 6, lines 50-65. Webb teaches that awarding players additional awards based on matching the second defining criteria of game symbols, in addition to or in replacement of, the first defining criteria of game symbols provides the game operator the ability to offer a wide selection of games while enabling a player to play different games with varying payoffs and game volatility. See col. 8, lines 36-40. It would have been obvious for one skilled in the art at the time of the invention to incorporate the second defining criteria (in the form of color or shape) into the game symbols (award values and modifier values) of the gaming device taught by Inoue in order to provide the game operator with the ability to offer a wide selection of games while enabling a player to play different games with varying payoffs and game volatility as desirably taught by Webb in col. 8, lines 36-40. Thus, the combination of Inoue and

Webb teaches a gaming device in which at least one characteristic (second defining criteria of Webb) is displayed in association with the game symbols (at least one of the award values and at least one of the modifier values of Inoue), wherein an additional award is provided to the player if the game symbols (the generated award value and the generated modifier value of Inoue) include the same or related characteristics (second defining criteria of Webb).

Regarding claim 2, the combination of Inoue and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on a wheel (Figure 5 of Inoue).

Regarding claim 3, the combination of Inoue and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on concentric wheels (Figure 5 of Inoue).

Regarding claim 4, the combination of Inoue and Webb teaches displaying a plurality of selections wherein one of the award values or one of the modifier values are associated with the selections (Figures 1, 5 of Inoue discloses plurality of selections and plurality of award values).

Regarding claim 5, the combination Inoue and Webb teaches that the displayed selections are player selectable (col. 3: 31-42 of Webb).

Regarding claims 6 and 18, the combination of Inoue and Webb teaches at least one different characteristic is associated with at least one of the award values and at least one different characteristic is associated with at least one of the modifier values

(Figure 3 of Webb along with the related description thereof, wherein different characteristics, in the form of colors or shapes, is associated with each game symbol).

Regarding claims 7, 8, 9, 19, 20 and 21, the combination of Inoue and Webb teaches that one of the characteristics is associated with each of the award values and that one of the characteristics is associated with each of the modifier values (Figure 3 of Webb along with the related description thereof, wherein one of the characteristics, in the form of colors or shapes, is associated with each game symbol).

Regarding claim 10, the combination of Inoue and Webb teaches that the modifier values each include a multiplier value (0032-0034, 0041, 0052)

Regarding claims 11 and 22, the combination of Inoue and Webb teaches input device, which enables the player to accept or reject the award (col. 7, lines 7-18 of Webb, wherein a player may accept an award or reject the award for a secondary play).

Regarding claims 12 and 23, the combination of Inoue and Webb teaches the additional award includes at least one repeat of the determination of the award, at least one credit, an additional modifier, or at least one free game or spin (col. 6, lines 50-65 of Webb, wherein the additional award is a payout including at least one credit).

Regarding claim 25, the combination of Inoue and Webb teaches an additional one of the characteristics which is generated, wherein the additional award is increased if the additional characteristic includes the same or related characteristic (col. 2, lines 66-67 and col. 7, line 65 to col. 8, line 12 and Figure 3 of Webb, wherein the additional award is a payout based on the same defining criteria in the form of shape, color and letter which can be increased for different winning combinations).



Regarding claim 26, the combination of Inoue and Webb teaches a method of operating a gaming device having a game operable upon a wager (Figure 1, #20). The method as taught by the combination of Inoue and Webb comprises:

- a display device, which is adapted to display plurality of concentric wheels (figure 5)

- displaying a plurality of first values on the first wheel (different numbers are displayed, wherein the each number has different values associated with it, Figure 1, Figure 5);

- displaying a plurality of second values adapted to be displayed by the display device on the second wheel (different numbers are displayed, wherein the each number has different values associated with it, Figure 1, Figure 5);

- associating a characteristic with at least one of the first values (Figure 3 of Webb along with the related description thereof, wherein one characteristic, in the form of color or shape, is associated with each game symbol);

- associating a characteristic with at least one of the second values (Figure 3 of Webb along with the related description thereof, wherein one characteristic, in the form of color or shape, is associated with each game symbol);

- displaying an indication of one of the first values (value displayed, outer wheel, in Figure 5 of Inoue along with the related description thereof);

- displaying an indication of one of the second values (modifier displayed, inner wheel, in Figure 5 of Inoue along with the related description thereof);



providing the player an award based on the indicated first value modified by the indicated second value (Figure 5, and 0032-0034, 0041, 0052, the inner reel selects a number and the other reel selects a number, the machine multiplies the numbers to get a result which is the payout, thus the numbers are modified to create a payout); and

providing the player an additional award if the indicated first value and the indicated second value include the same or related characteristics (col. 6, lines 50-65 of Webb, wherein if two game symbols have the same characteristic, in the form of color or shape, the player is provided an additional award).

Regarding claim 31, the combination of Inoue and Webb teaches displaying a characteristic associated with each award value and displaying a characteristic associated with each modifier value (Figure 3 of Webb along with the related description thereof, wherein characteristics, in the form of colors or shapes, can each be associated with different game symbols).

Regarding claim 32, the combination of Inoue and Webb teaches enabling the player to accept or reject the award (col. 7, lines 7-18 of Webb, wherein a player may accept an award or reject the award for a secondary play).

### ***Response to Arguments***

Applicant's arguments filed 8/31/2007 have been fully considered but they are not persuasive.

Applicant argues that neither the symbols/letter "X" and "O", nor the color associated with them of Webb is characteristics associated with an award value and a

modifier value, and further more neither Inoue nor Webb, individually nor in combination disclose a characteristic associated with an awards value and an characteristics associated with a modifier value. The examiner respectfully disagrees with the applicant. As cited above in the rejection, Webb in columns 7 & 8 clearly teaches of characteristics associated with an award value, wherein the award is provided to the player depending on the outcome of the symbol characteristics. Webb also teaches of payouts for different combination of "X" and "O", in column 6, lines 63 through column 7, lines 15. Webb in combination with Inoue, wherein Inoue teaches of an award adapted to be provided to the player, wherein the award is based on at least one generated award value modified by at least one generated modifier value (0032-0034, 0041, 0052) teach of a gaming device in which at least one characteristic (second defining criteria of Webb) is displayed in association with the game symbols (at least one of the award values and at least one of the modifier values of Inoue), wherein an additional award is provided to the player if the game symbols (the generated award value and the generated modifier value of Inoue) include the same or related characteristics (second defining criteria of Webb).

The applicant also argues that neither Inoue nor Webb, disclose of a plurality of concentric wheels, a plurality of first value displayed by one of the wheels and plurality of second values displayed by the second wheel. The examiner respectfully disagrees with the applicant. As stated in the rejection above, the gaming machine taught by Inoue, clearly teaches of plurality of concentric wheels (figure 1 and figure 5), wherein figure five teaches of a plurality of wheels, with first/outside wheel having a set of values

displayed on there and the second/inside wheel, also displays plurality of second values, for a winning symbol combination.

Consequently, for the reason provided above, the rejection is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SP

**JOHN M. HOTABING, Jr.**  
**PRIMARY EXAMINER**

Robert Pezzuto  
Patent Examiner  
3714